

### REMARKS

Reconsideration and allowance of the application are respectfully requested in light of the following remarks.

The amendments to Claim 16 are re-presented in accordance with the revisions made in the Amendment dated January 16, 2009, for which the identifier was mislabeled, and for which the Examiner has deemed to be “Currently Amended” for purposes of examination. Thus, the objection to claim 16 is deemed to be overcome.

The drawings have been objected to in the Office Action under 37 CFR 1.83(a) because they fail to show “the supply of combustion gas to the third and fourth nozzles from the lift and displacement motor and the attitude motor (Claim 30) must be shown.” The objection is respectfully traversed. There is no requirement that every feature recited in the claims be illustrated. Rather, only those features considered essential to an understanding of the invention need be illustrated. MPEP 608.02(d). In the present case, the third and fourth nozzles 9, 10, displacement motor 3 and attitude motor 5 are clearly shown in the drawings and sufficiently described in the specification (see, for example, page 7, lines 11-25). Illustration of the supply of combustion gas would be readily understandable by those of ordinary skill in the art and such illustration is not necessary to enable an understanding of the invention. Accordingly, it is respectfully submitted that the objections to the drawings should be withdrawn.

Claims 16-30 stand rejected under 35 USC 112, second paragraph. The rejections are respectfully traversed, for the reasons explained below. Generally speaking, the noted limitations have already been examined on the merits. Therefore, no additional burden is placed on the Examiner to continue examining the claimed limitations.

1. Lines of Action: The specification discloses the “lines of action,” for example, on page 6, lines 8-10. It is clear from the disclosure, and corresponding drawing, that the lines of action refer to lateral maneuvering forces passing through the center of gravity.

2. Propulsion and Guidance Unit: The Office Action questions the difference between the propulsion and guidance unit, and the motor and nozzle 11, 13. The specification discloses use of motors 3 and 5 having nozzles and additional motor 11 having nozzle 13. Moreover, there is no recitation of the propulsion and guidance unit in claim 1 to render any confusion. Claim 28 also clarifies that the propulsion unit and guidance unit are formed by (comprise) various elements, including those recited in claim 1.

3. Formed By: Language: This language indicates that the propulsion and guidance unit are formed by (comprise) several elements, such as the lift, displacement motor and attitude motor.

4. First and Second Nozzles Form Third and Fourth Nozzles: As described, for example, on page 7, lines 5-10 of the specification, the first and second nozzles are orientable and positioned to form (create) third and fourth nozzles, respectively. That is, when orienting the first and second nozzles into another position, third and fourth nozzles are “formed.”

5. Supply of Lift, Displacement and Attitude Motors to Nozzles: Claim 30 has been amended to add the term “respectively” for clarification.

Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Kubota (US Pat. No. 4,913,3749) in view of McDonnell (US Pat. No. 6,705,573). Claims 16-19 stand rejected under U.S.C. § 103(a) as unpatentable over Damblanc (US Pat. No. 3,112,669) in view of McDonnell. Claims 20-24 stand rejected under U.S.C. § 103(a) as unpatentable over Kubota in view of McDonnell and Hubricht (US Pat. No. 5,181,673) . Claims 25-30 stand rejected under

U.S.C. § 103(a) as unpatentable over Kubota in view of McDonnell, Hubricht and Daudelin (US Pat. No. 3,185,096). These rejections are respectfully traversed as follows.

The invention relates to a flying object able to: (1) fly in vertical position in order to be less vulnerable to terrestrial anti-aerial defenses of an enemy, (2) observe the ground when in vertical position, (3) detect a target (even concealed behind an obstacle) when in vertical position, and (4) attack any detected target from said vertical position. It is submitted that the cited references, considered alone or in combination, fail to teach or suggest each of the recited features of claim 16.

It is submitted that the Office Action has failed to establish a *prima facie* case of obviousness. Kubota fails to disclose an “attitude motor” or a motor that is “able to maintain said flying object in said at least approximately vertical position,” as recited in claim 16. Rather, the rocket taught by Kubota, for example illustrated in FIG. 1B, is described as having “a problem in that it is impossible to control the rocket along a low altitude trajectory, immediately after launching off, by quickly turning the rocket” (col. 4, lines 5-9). Additionally, Kubota does not teach or suggest a lift and displacement motor and an attitude motor “disposed on either side of said center of gravity of the flying object,” as recited in claim 16. The Office Action acknowledges that Kubota fails to disclose “picture taking means disposed on the vehicle.”

The Office Action cites McDonnell as teaching the “picture taking unit” recited by claim 16 by teaching a “sensor 70.” Applicants respectfully disagree. The sensor 70 taught by McDonnell is not described as a “picture taking unit.” Furthermore, as shown in FIG. 1 of McDonnell, the sensor 70 is mounted on the underside of the aircraft 12 to “look down” (col. 8, lines 5-7). Therefore, this sensor 70 is not mounted on the “rear part” of the elongate body of the aircraft.

Additionally, there is no reason why one skilled in the art would have been motivated to combine Kubota with McDonnell to arrive at the invention recited by claim 16. McDonnell is directed towards providing a sensor pod 34 connected to an aircraft 12 by a tow line 30 (col. 5, lines 5-24), to enable the aircraft to stay above a certain altitude and/or cloud cover while still being able to “get its sensors and targeting systems closes to the ground,” and thereby protect the aircraft (col. 1, lines 15-27). In contrast, claim 16 recites that the picture taking unit is mounted on board the flying object. Thus, it is submitted that one skilled in the art would not have been motivated to combine Kubota with McDonnell to arrive at the invention recited by claim 16.

Damblanc, on the other hand, fails to teach various features recited by claim 16, including a “lift and displacement motor of the type with combustible propelling charge, producing lateral maneuvering forces whose lines of action pass through the center of gravity of said flying object,” and “said lift and displacement motor is able to ensure the lift and the displacements of said flying object in an observation position for which said object is at least approximately vertical with the rear end of said flying object directed downwards.” Additionally, one skilled in the art would not have been motivated to combine Damblanc with McDonnell, for substantially the same reasons as noted above.

Accordingly, it is respectfully submitted that the rejection of claim 16 should be withdrawn for at least this reason.

Claims 17-24 depend on claim 16. Accordingly, it is respectfully submitted that the rejections of claims 17-24 under 35 U.S.C. § 103(a) should be withdrawn for at least the same reasons that the rejection of claim 16 should be withdrawn.

Entry of this amendment after-final is appropriate since the claims have been amended solely to conform with the objection and rejections under 35 USC 112, second paragraph, and

reduce issues for appeal. Moreover, the Examiner is not placed under any additional burden by virtue of these amendments.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: July 23, 2009  
JEL/KRS/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. L7307.06116  
DICKINSON WRIGHT, PLLC  
International Square  
1875 Eye Street, NW  
Suite 1200  
Washington, D.C. 20006  
Telephone: (202)-457-0160  
Facsimile: (202)-659-1559

DC 139769v1